



United States Department of State

Washington, D.C. 20520

MAR 21 2006

Dear Mr. Hyde:

Thank you for your letter of February 21 detailing your concerns about the implementation of the North Korean Human Rights Act.

The Administration remains deeply concerned about the hardships suffered by the North Korean people and the plight of those North Koreans who have fled their country in search of asylum. We continue to see the North Korean Human Rights Act as a powerful tool with which to address these challenges and are making a concerted effort to implement all elements of the Act.

Since most North Korean asylum seekers are in the People's Republic of China (PRC), we agree that the PRC must do more as the country of first asylum to fulfill its obligations under the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. We regularly raise this issue with Chinese leaders and stress that they must allow the United Nations High Commissioner for Refugees (UNHCR) access to the North Koreans in China. We also remind authorities that they should not forcibly repatriate North Koreans seeking protection in China as they may face harsh punishment upon their return to the Democratic Peoples Republic of Korea (DPRK). As you know, the UN High Commissioner for Refugees Antonio Guterres will travel to the PRC later this month. We know this issue is a major concern for UNHCR and we are hopeful that his visit will pave the way for greater cooperation from the Chinese.

We are fully committed to promoting the expansion of humanitarian assistance to vulnerable North Koreans outside the DPRK. In 2005, the USG carried out two surveys of our embassies and governments in the region to explore opportunities to fund new programs. The Department regularly meets with interested organizations to explore possible programming ideas. Unfortunately, governments hosting North Koreans are reluctant to allow USG-funded programs for this population to operate within their countries. Nevertheless, we continue to encourage these governments to explore new avenues through which we can provide assistance.

The Honorable

Henry J. Hyde,

House of Representatives.

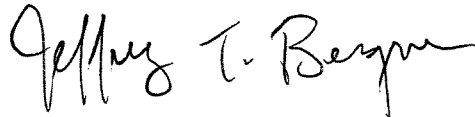
We also continue to work on overcoming the obstacles we have faced in our attempt to offer refugee status to North Koreans since the passage of the Act. Our October 2005 Report to Congress on North Korean refugees and asylum seekers highlighted the remaining difficulties, particularly the reluctance of governments hosting North Koreans to allow us to process North Korean refugee cases on their territory. Since October, we have continued to seek cooperation from governments in the region.

Finally, we recognize that implementation of the Act must address other issues. Special Envoy Lefkowitz is focusing on several areas, including expanding the flow of information into North Korea, especially via radio broadcasts. In addition, he seeks to promote democracy programming designed to assist North Koreans who have fled the DPRK. We also seek to expand efforts to document human rights conditions in North Korea. All of these activities involve significant challenges and require resources that will take time to obtain.

We would be happy to provide Members of Congress and staff with a classified briefing to describe the details of all of our efforts to implement the North Korean Human Rights Act. We also welcome the opportunity to share further details of how we have assisted North Koreans who have come to our attention in the region.

We hope this information is helpful. We look forward to continued cooperation with Congress as we seek to address the grave humanitarian crisis facing North Koreans.

Sincerely,

A handwritten signature in black ink, reading "Jeffrey T. Bergner". The signature is fluid and cursive, with the first name "Jeffrey" being more prominent and the last name "Bergner" following in a similar style.

Jeffrey T. Bergner
Assistant Secretary
Legislative Affairs